

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 21-38 are presently active in this case. Claims 21, 22, 24, 26-31, 34, and 36-38 have been withdrawn from consideration. Claim 32 has been amended by way of the present Amendment. Care has been taken such that no new matter has been entered. (See, e.g., page 3, lines 1-34.)

The Applicant wants to thank Primary Examiner Mark Fadok for the courtesies extended to Applicant's representative, Christopher Ward, during the interview conducted on September 13, 2006.

Claims 23, 25, 32, 33, and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ali-Vehmas et al. (U.S. Patent No. 6,035,189) in view of Morrill, Jr. (U.S. Patent No. 5,991,749). For the reasons discussed below, the Applicant requests the withdrawal of the obviousness rejection.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness has not been established in the present case because the references, either when taken singularly or in combination, do not teach or suggest all of the claim limitations.

Claim 32 of the present application recites a method for selling products over a mobile radio network. The method comprises, among other features, broadcasting offer information via a mobile radio network in accordance with a text messaging protocol to a plurality of participants, the offer information including an identification of specified products being offered for sale and an identification of a vendor of the specified products; storing quantity information in the sales module, the quantity information indicating a limited available number of the specified products provided for sale by the vendor; receiving an order data in the sales module from a participant, the order data including a request for a product of the specified products and an identification of the participant; confirming by the sales module that the limited available number of the specified products is greater than zero; generating by the sales module, based on the confirming, a token as an unambiguous certificate exchangeable for the product of the specified products being offered for sale; and adjusting the quantity information in the sales module based on the token.

The Ali-Vehmas et al. reference describes a system in which a service provider (5) programs service functions in a switching center (1) of a telecommunication network and delivers to a user a program that is loaded in the user's terminal (3). The program is delivered to the user by loading it in an intelligent card (6) controlling the operation of the terminal. According to the loaded program, the terminal shows to the user the available services and the corresponding commands assigned to the function keys (8a) of the terminal. (See Abstract.)

The Ali-Vehmas et al. reference describes in column 5, line 12, through column 6, line 4, a specific example in which a user searches through various menus or listings in order

to find a movie the user is interested in, and then the user presses a function key to reserve tickets for the show selected. The Ali-Vehmas et al. reference also indicates a "Sold Out" display string as a possible response in certain situations (column 7, lines 25-27); however, no details are provided regarding how such a determination is made. The Ali-Vehmas et al. reference clearly does not generate a token as an unambiguous certificate exchangeable for a product of specified products being offered for sale, as recited in Claim 32. In fact, the Ali-Vehmas et al. reference does not disclose the user receiving anything upon making of the reservation. Furthermore, since a token is not generated, it is evident that the Ali-Vehmas et al. reference does not disclose adjusting quantity information based on the token. Additionally, the Applicant submits that the secondary reference, namely the Morrill, Jr. reference fails to supplement the above noted deficiencies in the teachings of the Ali-Vehmas et al. reference.

The Morrill, Jr. reference describes a system in which when a transaction is performed, a confirmation/authorization number/message is displayed, and the user has the ability to request such information be sent to the vendor. For example, the Morrill, Jr. reference describes a situation in which a user provides a food vendor with money for a transaction via a connection between the user's mobile phone with the user's mobile phone service provider to provide payment to the vendor's phone company. Thus, a monetary transaction is performed without the use of paper money. Thus, the user is credited by the food vendor for a certain amount of money.

While the user receives a confirmation/authorization number/message, which includes a monetary amount credited to the user by the food vendor, this confirmation is not a token as

an unambiguous certificate exchangeable for a product of specified products being offered for sale, but rather the user is merely credited with a monetary amount that is not in any way tied to the product for which it is being used in exchange for. The money credited to the user can be used for any item. The present invention generates a token, based on confirmation that a limited available number of specified products is greater than zero, as an unambiguous certificate exchangeable for a product of the specified products being offered for sale via a broadcasting of offer information via a mobile radio network. The token is generated and the quantity information is then adjusted based on the token. No such teaching is present in the Morrill, Jr. reference and/or the Ali-Vehmas et al. reference, either when taken singularly or in combination.

Furthermore, the Applicant submits that cited references, either when taken singularly or in combination, broadcasting offer information via the mobile radio network to a plurality of participants in the mobile radio network, as recited in Claim 32. The Applicant notes that Ali-Vehmas et al. mentions sending a message to a user (see, e.g., column 6, line 67, through column 7, line 6) and an interaction with that user, but does not appear to disclose the broadcasting of offer information to a plurality of participants in the manner recited, such that plural participants receive the same offer information based on such a broadcasting of the information. The Morrill, Jr. reference also fails to disclose such a broadcasting of offer information to plural participants.

Accordingly, for at least these reasons, the Applicant respectfully requests the withdrawal of the obviousness rejection of Claim 32.

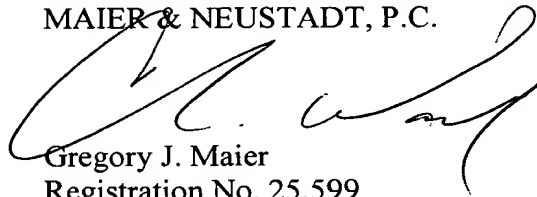
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The dependent claims are considered allowable for the reasons advanced for Claim 32 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 32.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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